



Southeast Fishery Bulletin

National Marine Fisheries Service, Southeast Regional Office, 9721 Executive Center Drive N., St. Petersburg, FL 33702

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FINAL RULE ESTABLISHES A TRAP LIMITATION PROGRAM FOR THE STONE CRAB FISHERY IN FEDERAL WATERS OFF WEST FLORIDA

The National Marine Fisheries Service (NOAA Fisheries) announces that it has published in the *Federal Register* the final rule (67 FR 61990, October 3, 2002) to implement Amendment 7 to the Fishery Management Plan for the Stone Crab Fishery of the Gulf of Mexico (FMP). Copies of the final rule may be requested from Mark Godcharles or viewed at the above or following Web site: http://www.access.gpo.gov/su_docs/multidb.html.

Actions approved in Amendment 7 establish a Federal trap limitation program for the commercial stone crab fishery in the exclusive economic zone (EEZ) off Florida's west coast, including Monroe County. The Federal program will complement Florida's program that will be fully implemented by the Florida Fish and Wildlife Conservation Commission (FFWCC) by October 15, 2002, the beginning of the 2002/2003 season. The Federal program is intended to enhance the effectiveness of the FFWCC program and, thereby, help to reduce overcapitalization in the stone crab fishery. Highlights of the program are provided below.

Effective Date

Effective December 2, 2002, for a person aboard a vessel, except a person who is in compliance with the FFWCC stone crab trap limitation program, to possess or use a stone crab trap, possess more than 1 gallon of stone crab claws, or sell stone crab claws in or from the management area, a valid Federal commercial vessel permit for stone crab must have been issued to the vessel and must be on board.

Eligibility for the Federal Program

A person who can meet the Federal eligibility requirements and does not possess the license and trap certificates required by the FFWCC would be issued a Federal vessel permit, trap certificate, and trap tags valid for use in the EEZ only. To be eligible to receive a Federal commercial vessel permit for stone crab, an owner must provide documentation substantiating his or her landings of a minimum of 300 pounds of stone crab claws harvested from the management area or Florida's state waters during at least one of the three specified stone crab fishing seasons, October 15 through May 15: 1995/1996, 1996/97, or 1997/1998.

For certifying landings of stone crab claws in Florida, the only acceptable source are those that have been documented by the Florida trip ticket system under a single Florida saltwater products license (SPL). Landings of stone crab claws harvested from the EEZ management area or Florida's state waters but landed in a state other than Florida may be documented by pertinent dealer records.

A person who possesses a valid stone crab trap certificate issued by the FFWCC or a person whose SPL has been suspended or revoked is not eligible for a Federal commercial vessel permit for stone crab. Further, submission of false documentation is a violation of Federal regulations and will disqualify an applicant from participation in the Federal stone crab fishery.

Applying for a Federal Permit and Trap Tags

An applicant has until January 31, 2003, to apply for a Federal vessel permit and tags for stone crab. That date allows 120 days for the application process beginning October 3, 2002, the date of publication of the final rule in the *Federal Register*. Failure to apply in a timely manner will preclude permit issuance even when the vessel owner meets the eligibility criteria for such permit.

Applications and instructions for applying for a Federal permit and tags are available from:

Permits Office
NMFS, Southeast Regional Office
9721 Executive Center Drive North
St. Petersburg, FL 33702
Phone 727-570-5326

Federal Vessel Permits and Trap Tags: Issuance, Fees, and Transfer

The initial application fee for the Federal vessel permit for stone crab is \$50 and the cost of each trap tag is \$1.30. The number of Federal trap tags to be issued to a qualifying applicant will be determined by dividing his/her highest seasonal landings of stone crab claws during one of three fishing seasons (1995/96, 1996/97, or 1997/98) by 5 pounds.

A Federal vessel permit and trap tags are for use only in the EEZ management area of the stone crab fishery. NOAA Fisheries will issue them only to a qualified applicant and will transfer them only to another vessel owned by the same entity that qualified for them. Unlike those issued by the FFWCC, Federal vessel permits and tags for stone crab will not be transferable or assignable to other persons or entities.

Federal Appeals Process

A Federal appeals process will be made available for those who initially have been denied a Federal stone crab permit and may wish to appeal that decision to the Regional Administrator (RA). The appeal must be written, include necessary documentation, and be postmarked or hand-delivered to the RA not later than 60 days after the date of notification of the initial denial. The documentation must include copies of landing records relating to eligibility and such other reliable evidence upon which the facts related to issuance can be resolved. The appellant also must include a concise statement indicating the reasons the initial denial should be reversed or modified. For further details, please refer to the final rule for Amendment 7 or contact the Permits Office.

Display of a Commercial Vessel Permit

A Federal commercial vessel permit for stone crab must be carried on board the vessel. The operator must present the permit for inspection upon the request of an authorized officer.

Vessel and Gear Identification

An owner or operator of a vessel for which a valid Federal commercial vessel permit for stone crab has been issued must comply with the specified vessel and gear identification requirements for stone crab. Those in compliance with the FFWCC program and its vessel and gear marking requirements, however, are exempt.

In accordance with the color, height, and other requirements of the Federal regulations, the official

number of the Federal commercial vessel permit and the color code assigned must be displayed clearly on the port and starboard sides of the deckhouse or hull, and on an appropriate weather deck, so as to be clearly visible from an enforcement vessel or aircraft. Stone crab traps used by or possessed on board such vessels must have attached a valid annual trap tag issued by the RA. Such traps also must have a buoy attached or at the end of each string of traps that displays the official number and the color code assigned by the RA so as to be easily distinguished, located, and identified. Trap construction and ownership, and unmarked traps and buoys will be treated as specified in the regulations.

Other Approved Amendment 7 Actions

The FMP Protocol and Procedure for an Enhanced Cooperative Management System has been revised to reflect revisions to Florida's Constitution.

Also, the FMP management objective 3 has been replaced with a new objective: Take regulatory action to increase catch per unit effort and reduce overcapitalization in terms of gear deployed in the fishery.

This and other *Southeast Fishery Bulletins* are available on the SERO Web homepage (<http://caldera.sero.nmfs.gov>). Additional information on southeastern fisheries is available from the Gulf of Mexico Fishery Management Council (Gulf Council). The Web site and e-mail addresses for the Gulf Council are <http://www.gulfcouncil.org> and gulfcouncil@gulfcouncil.org, respectively.

To obtain considerable recorded information about our missions, services, and management measures, call our public service line at 1-866-570-5301. If the information that you need is not available on that line, you can leave a message and we'll get back to you within one business day. NOAA Fisheries is an agency of the Commerce Department's National Oceanic and Atmospheric Administration.